

MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

PART I: GENERAL INFORMATION

Type of Requestor: (x) HCP () IE () IC	Response Timely Filed? () Yes (x) No
Requestor's Name and Address The San Antonio Orthopaedic Surgery Center PO Box 34533 San Antonio TX 78265-4533	MDR Tracking No.: M4-05-1074-01 TWCC No.: [REDACTED] Injured Employee's Name: [REDACTED]
Respondent's Name and Address BOX: 2 Old Republic Ins. Co / ECAS	Date of Injury: [REDACTED] Employer's Name: [REDACTED] Insurance Carrier's No.: [REDACTED]

PART II: SUMMARY OF DISPUTE AND FINDINGS

Dates of Service		CPT Code(s) or Description	Amount in Dispute	Amount Due
From	To			
2/20/04		29826, 29824, 23410	\$19,574.04	\$0.00

PART III: REQUESTOR'S POSITION SUMMARY

The carrier paid the provider based on the "M" Code of "no MAR". Under section 413.011 and 133.304, the carrier is obligated to pay fair and reasonable compensation. The documentation provided demonstrated the quality of care was delivered to the patient. Cost control has been achieved through our application of a reimbursement for services rendered. Our usual and customary fees were determined using the Ingenix database, which is a nationally accepted database and makes our fees fair and reasonable. The respondent (carrier) has failed to show that their payment is fair and reasonable.

PART IV: RESPONDENT'S POSITION SUMMARY

The carrier states that the amount paid of \$2,873.96 represents fair and reasonable reimbursement in accordance with TWCC guidelines, policies and rules and the Texas Labor Code. The provider must prove that the reimbursement received is not fair and reasonable. The carrier calculated the reimbursement based on the Medicare rate plus 25%, which is based on recent State Office of Administrative Hearings decisions. The requestor's assertion that it is entitled to \$19,574.04 is not credible.

PART V: MEDICAL DISPUTE RESOLUTION REVIEW SUMMARY, METHODOLOGY, AND/OR EXPLANATION

This dispute relates to services provided in an Ambulatory Surgical Center that are not covered under a fee guideline for this date of service. Accordingly, the reimbursement determined through this dispute resolution process must reflect a fair and reasonable rate as directed by Commission Rule 134.1. This case involves a factual dispute about what is a fair and reasonable reimbursement for the services provided.

Claimant underwent the following procedure: Shoulder arthroscopy, acromioplasty, distal clavicle resection, mini-open rotator cuff repair, placement of pain pump catheter. Based upon anesthesia report, the procedure took 55 minutes to perform.

During the rule development process for facility guidelines, the Commission had contracted with Ingenix, a

professional firm specializing in actuarial and health care information services, in order to secure data and information on reimbursement ranges for these types of services. The results of this analysis resulted in a recommended range for reimbursement for workers' compensation services provided in these facilities. In addition, we received information from both ASCs and insurance carriers in the recent rule revision process. While not controlling, we considered this information in order to find data related to commercial market payments for these services. This information provides a very good benchmark for determining the "fair and reasonable" reimbursement amount for the services in dispute.

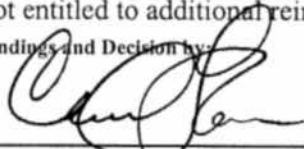
To determine the amount due for this particular dispute, staff compared the procedures in this case to the amounts that would be within the reimbursement range recommended by the Ingenix study (from 213.3% - 290% of Medicare for year 2004). Staff considered the other information submitted by the parties and the issues related to the specific procedures performed in this dispute. Based on this review, the original reimbursement on these services is within the medium end of the Ingenix range. The decision for no additional reimbursement was then presented to a staff team with health care provider billing and insurance adjusting experience. This team considered the decision and discussed the facts of the individual case.

Based on the facts of this situation, the parties' positions, the Ingenix range for applicable procedures, and the consensus of other experienced staff members in Medical Review, we find that no additional reimbursement is due for these services.

PART VI: COMMISSION DECISION

Based upon the review of the disputed healthcare services, the Medical Review Division has determined that the requestor is not entitled to additional reimbursement.

Findings and Decision by:



Authorized Signature

CAROL LAWRENCE

Name

7 / 27 / 05

Date of Order

PART VII: YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the Decision and has a right to request a hearing. A request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings/Appeals Clerk within 20 (twenty) days of your receipt of this decision (28 Texas Administrative Code § 148.3). This Decision was mailed to the health care provider and placed in the Austin Representatives box on 8/1/05. This Decision is deemed received by you five days after it was mailed and the first working day after the date the Decision was placed in the Austin Representative's box (28 Texas Administrative Code § 102.5(d)). A request for a hearing should be sent to: Chief Clerk of Proceedings/Appeals Clerk, P.O. Box 17787, Austin, Texas, 78744 or faxed to (512) 804-4011. A copy of this Decision should be attached to the request.

The party appealing the Division's Decision shall deliver a copy of their written request for a hearing to the opposing party involved in the dispute.

Si prefiere hablar con una persona in español acerca de ésta correspondencia, favor de llamar a 512-804-4812.

PART VIII: INSURANCE CARRIER DELIVERY CERTIFICATION

I hereby verify that I received a copy of this Decision in the Austin Representative's box.

Signature of Insurance Carrier: May Mitchell

Date: 8-2-05